



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Family Stress Clinics of America

File: B-270993.2

Date: November 1, 1996

Clifford K. Brickman for the protester.

Terrence J. Tychan, Department of Health and Human Services, for the agency.
Henry J. Gorczycki, Esq., and James A. Spangenberg, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Contracting agency reasonably excluded protester's proposal from the competitive range where the proposal essentially restated the statement of work requirements and did not demonstrate whether the protester independently understood those requirements.

DECISION

Family Stress Clinics of America protests the rejection of its proposal under request for proposals (RFP) No. 240-BPHC-8(6), issued by the Department of Health and Human Services, Health Resources and Services Administration (HRSA), for counseling services for the Employee Assistance Program for the western region of the United States Postal Service.

We deny the protest.

The RFP contemplated award of a cost-plus-award-fee contract for 1 year with 4 option years. The statement of work (SOW) provided a detailed description of the basic contract requirements. Additionally, the SOW described optional items, including intermediate-term and short-term counseling model options, add-on service options, and an Employee Assistance Program Information System option.

Award was to be made on a best value basis with the technical factor having "paramount" importance as compared to the past performance and cost factors. Under the technical factor, the RFP stated three subfactors, the most important of which was "technical approach and management plan." The RFP stated specific elements for consideration under this subfactor, including "[t]he offeror's technical approach and understanding of the contract's requirements," and "the extent to which the management plan reflects a correct understanding of the [SOW]."

Initial proposals were submitted by June 14, 1996. Eight offerors, including Family Stress, submitted proposals on or before that date. The agency evaluated the proposals as follows:

Offeror	Score	Estimated Cost
A	88	\$ 58,732,457
B	87.6	58,464,785
C	77	55,861,297
D	76.6	61,317,489
E	58	104,916,923
Family Stress	35.6	49,826,641
G	26	43,422,555
H	19.3	39,007,975

The agency determined that the proposals of offerors A through D were acceptable and in the competitive range. The agency determined that the remaining proposals were technically unacceptable and not capable of being made acceptable without substantial proposal revisions, and thus were rejected from further consideration. In the case of Family Stress's proposal, the agency specifically found that the proposal largely repeated the SOW requirements verbatim and thus failed to demonstrate an "understanding of required operations or a plan for accomplishing them." By letter of July 18, the agency notified Family Stress that its proposal was eliminated from further consideration. This protest followed.

Family Stress contends that the agency unreasonably evaluated its proposal, and unreasonably eliminated it from the competitive range. Family Stress essentially alleges that its proposal fully addresses all of the contract requirements, and that the agency should conduct discussions with Family Stress and allow it to explain the details of its proposed approach.

The evaluation of proposals and the resulting determination of whether a proposal is within the competitive range is a matter within the discretion of the contracting agency, since the agency is responsible for defining its needs and the best method of accommodating them. Shelby's Gourmet Foods, B-270585, Mar. 22, 1996, 96-1 CPD ¶ 166. Our Office will only question the agency's evaluation where it lacks a reasonable basis or conflicts with the stated evaluation criteria for award. General Servs. Eng'g, Inc., B-245458, Jan. 9, 1992, 92-1 CPD ¶ 44. The offeror has the

burden of submitting an adequately written proposal, and an offeror's mere disagreement with the agency's judgment concerning the adequacy of the proposal is not sufficient to establish that the agency acted unreasonably. Premier Cleaning Sys., Inc., B-255815, Apr. 6, 1994, 94-1 CPD ¶ 241.

We have reviewed Family Stress's proposal in its entirety. The portion of its proposal which addresses the basic services to be provided under this contract almost without exception repeats verbatim the 35 pages of requirements stated in the SOW. Such parroting of the SOW requirements does not provide sufficient information for the agency to evaluate the offeror's proposed approach and its understanding of the contract requirements. See Bannum, Inc., B-271075 et al., May 22, 1996, 96-1 CPD ¶ 248.

The remainder of Family Stress's proposal provides little more than a general discussion of the resources which Family Stress proposes to use to perform under the contract, without providing specific information about its proposed approach as requested by the RFP.

For example, the RFP instructed offerors to discuss the 60-day phase-in period, including "anticipated major difficulties and problem areas and recommended approaches for their resolution." Family Stress's proposal provided only a time line of significant events after contract award and a delivery schedule identifying deliverable items and the corresponding due dates stated in the SOW, and did not provide any discussion of anticipated difficulties as required by the RFP.

Another example concerns recruitment of staff counselors to ensure coverage throughout the western states. The RFP instructs offerors to identify all staff counselors which, at the time of proposal preparation, are committed to working on the contract and to provide specific plans for the recruitment of qualified staff. Although Family Stress's proposal identified the subcontractor which would provide staff counselors, it did not identify the counselors who would work under the contract or propose a recruitment plan.

The protester now states that it could provide such required information during discussions. However, Family Stress had the burden of submitting such information as part of its initial proposal. The little information beyond the restatement of the SOW which Family Stress did provide with its proposal did not present an independent technical approach and management plan for the basic services which the agency could reasonably evaluate.¹ The extent of revision necessary to place

¹Much of the information provided in the proposal which was more than mere repetition of the RFP language concerned optional items, such as the Employee
(continued...)

the proposal in reasonable contention for award was thus substantial, and the proposal was properly excluded from the competitive range.² See id.

The protest is denied.

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¹(...continued)

Assistance Program Information System, and not the basic services to be performed under the contract.

²The protester also contends that the agency is biased against Family Stress because of a previous protest of this RFP. Family Stress's argument has no merit in this regard, inasmuch as the record here establishes that the agency properly eliminated the protester's proposal from consideration for failing to submit an adequately written proposal.